

This Complaint arises out of the Chapter 13 bankruptcy proceeding of Bernard Richland, Case Number 17-50330-AEC, Middle District of Georgia, Macon Division. Pursuant to Rule 7008 of the Federal Rules of Bankruptcy Procedure, Plaintiff states that this is a core proceeding.

3.

Defendant Citimortgage, Inc. is a corporation registered with the State of Georgia. Service will be made on this Defendant by service upon its registered agent, to wit: C T Corporation System, 1201 Peachtree Street, N.E., Fulton, Atlanta, Georgia, 31361, USA.

4.

On or about February 29, 2000, Plaintiff became indebted to CitiFinancial Services, a/k/a CitiFinancial Servicing, LLC(hereinafter referred to as "CitiFinancial") in the amount of \$77,541.11. Plaintiff executed a deed to secure debt in favor of CitiFinancial. Said security deed was recorded in the Bibb County Superior Court on or about March 23, 2000. It is of record in Deed Book 4634, Page 183-186 in said Clerk's Office.

5.

On or about November 9, 2006, Plaintiff became indebted to SunTrust Bank in the amount of \$19,233.10. Plaintiff executed a Security Deed in favor of SunTrust Bank. Said security deed was recorded in the Bibb County Superior Court on or about December 15, 2006. It is of record in Deed Book 7325, page 168-175 said Clerk's Office. SunTrust Bank assigned their Security Deed to Citicorp Trust Bank on or around December 15, 2006. This assignment was recorded in the Clerk's Office of the Bibb County Superior Court on Book No. 7325, Page No. 176 on December 15, 2006.

Thereafter, Citicorp Trust Bank assigned the Security Deed to CitiMortgage, Inc, Defendant, on December 10, 2016. This assignment was recorded in the Clerk's Office of the Bibb County Superior Court on Book No. 9821, Page No. 85 on December 19, 2016.

6.

As of the date of the filing of Plaintiff's bankruptcy case, it is estimated that the debt owed to CitiFinancial on the first mortgage is approximately \$61,973.99.

7.

As of the date of the filing of Plaintiffs bankruptcy case, it is estimated that the debt owed to Defendant on the second mortgage is approximately \$15,609.99

8.

The security deeds given by the Plaintiff to CitiFinancial and Defendant encumber Plaintiff's personal residence located at 1084 Greentree Parkway, Macon, Georgia 31220.

9.

Plaintiff believes that the value of his residence does not exceed \$53,895.00. Further, the current county tax appraisal of Plaintiff's residence is \$53,895.00.

10.

Plaintiff shows that the debt owed to CitiFinancial on the first mortgage exceeds the value of subject property. As such, the second mortgage owed by Plaintiff to Defendant is completely unsecured.

11.

Plaintiff seeks an order determining Defendant's second mortgage to be completely unsecured and, requiring Defendant's lien to be satisfied of record upon the completion of this bankruptcy case.

WHEREFORE, Plaintiff prays for the following:

- (a) That process issue as provided by law;
- (b) That she have judgment entered in her favor;
- (c) That the Court enters an order determining that the claim on the second mortgage held by CitiMortgage, Inc., as assignee of Citicorp Trust Bank as assignee of SunTrust Bank is completely unsecured;
- (d) That the Court enter an order avoiding the second mortgage lien held by Defendant against Plaintiff's property, and required that the same be satisfied of record upon the completion of Plaintiff's bankruptcy case;
- (e) That he awarded their costs and attorney fees incurred in prosecuting any contested matter in this action; and
- (f) That he have any further additional relief deemed appropriate by the Court.

Respectfully submitted this 26th day of May, 2017.

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/s/ J. Roger Davis, Sr.
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